

1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF NEVADA

3 IN RE  
4 TYRONE NOEL NUNN,

Case No.: 2:24-cv-02342-APG-DJA

5  
6 **Order**

7 Plaintiff Tyrone Noel Nunn brings this civil-rights action under 42 U.S.C. § 1983. ECF  
8 No. 1-1. On January 10, 2025, the magistrate judge ordered Nunn to file a fully complete  
9 application to proceed *in forma pauperis* or pay the full \$405 filing fee on or before March 11,  
10 2025. ECF No. 3. The magistrate judge warned Nunn that the action could be dismissed if he  
11 failed to file a fully complete application to proceed *in forma pauperis* with all three documents  
12 or pay the full \$405 filing fee for a civil action by that deadline. *Id.* at 2. That deadline has  
13 expired, and Nunn did not file a fully complete application to proceed *in forma pauperis*, pay the  
14 full \$405 filing fee, or otherwise respond.

15 **I. Discussion**

16 District courts have the inherent power to control their dockets and “[i]n the exercise of  
17 that power, they may impose sanctions including, where appropriate . . . dismissal” of a case.  
18 *Thompson v. Hous. Auth. of City of Los Angeles*, 782 F.2d 829, 831 (9th Cir. 1986). A court may  
19 dismiss an action based on a party’s failure to obey a court order or comply with local rules. *See*  
20 *Carey v. King*, 856 F.2d 1439, 1440-41 (9th Cir. 1988) (affirming dismissal for failure to comply  
21 with local rule requiring *pro se* plaintiffs to keep court apprised of address); *Malone v. U.S.*  
22 *Postal Service*, 833 F.2d 128, 130 (9th Cir. 1987) (dismissal for failure to comply with court  
23 order). In determining whether to dismiss an action on one of these grounds, I must consider: (1)  
the public’s interest in expeditious resolution of litigation; (2) the court’s need to manage its

1 docket; (3) the risk of prejudice to the defendants; (4) the public policy favoring disposition of  
2 cases on their merits; and (5) the availability of less drastic alternatives. *See In re*  
3 *Phenylpropanolamine Prod. Liab. Litig.*, 460 F.3d 1217, 1226 (9th Cir. 2006) (quoting *Malone*,  
4 833 F.2d at 130).

5       The first two factors, the public’s interest in expeditiously resolving this litigation and the  
6 court’s interest in managing its docket, weigh in favor of dismissal of Nunn’s claims. The third  
7 factor, risk of prejudice to defendants, also weighs in favor of dismissal because a presumption  
8 of injury arises from the occurrence of unreasonable delay in filing a pleading ordered by the  
9 court or prosecuting an action. *See Anderson v. Air West*, 542 F.2d 522, 524 (9th Cir. 1976). The  
10 fourth factor—the public policy favoring disposition of cases on their merits—is greatly  
11 outweighed by the factors favoring dismissal.

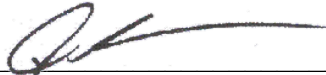
12       The fifth factor requires me to consider whether less drastic alternatives can be used to  
13 correct the party’s failure that brought about the court’s need to consider dismissal. *See Yourish*  
14 *v. Cal. Amplifier*, 191 F.3d 983, 992 (9th Cir. 1999) (explaining that considering less drastic  
15 alternatives *before* the party has disobeyed a court order does not satisfy this factor); *accord*  
16 *Pagtalunan v. Galaza*, 291 F.3d 639, 643 & n.4 (9th Cir. 2002). Courts “need not exhaust every  
17 sanction short of dismissal before finally dismissing a case, but must explore possible and  
18 meaningful alternatives.” *Henderson v. Duncan*, 779 F.2d 1421, 1424 (9th Cir. 1986). Because  
19 this action cannot realistically proceed until and unless Nunn either files a fully complete  
20 application to proceed *in forma pauperis* or pays the \$405 filing fee for a civil action, the only  
21 alternative is to enter a second order setting another deadline. But the reality of repeating an  
22 ignored order is that it often only delays the inevitable and squanders the court’s finite resources.  
23 The circumstances here do not indicate that this case will be an exception: there is no hint that

1 Nunn needs additional time or evidence that he did not receive the court's order. Setting another  
2 deadline is not a meaningful alternative given these circumstances. So the fifth factor favors  
3 dismissal. Having thoroughly considered these dismissal factors, I find that they weigh in favor  
4 of dismissal.

5 **II. Conclusion**

6 I THEREFORE ORDER that this action is dismissed without prejudice based on Nunn's  
7 failure to file a fully complete application to proceed *in forma pauperis* or pay the full \$405  
8 filing fee in compliance with the magistrate judge's January 10, 2025, order. The Clerk of Court  
9 is directed to enter judgment accordingly and close this case. No other documents may be filed  
10 in this now-closed case. If Nunn wishes to pursue his claims, he must file a complaint in a new  
11 case.

12  
13 Dated: June 10, 2025

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15 Andrew P. Gordon  
16 Chief United States District Judge  
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